IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

MACA.No. 170 of 2003

OPMV.1275/2001 of MOTOR ACCIDENT CLAIMS TRIBUNAL, MANJERI

APPELLANTS/PETITIONERS

1. RANI, AGED 36 YEARS, W/O.AJJAN,
   VAKAKUNDAN HOUSE, P.O.NALLANTHANNY, MALAPPURAM DISTRICT.

2. PRABHU AGED 22 YEARS, S/O. AJJAN, VAKAKUNDAN HOUSE,
   P.O.NALLANTHANNY, MALAPPURAM DISTRICT.

3. PRAKASH, AGED 18 YEARS, S/O. AJJAN,
   VAKAKUNDAN HOUSE, P.O.NALLANTHANNY,
   MALAPPURAM DISTRICT.

4. PRADEEDH, AGED 15 YEARS (MINOR)
   REP.BY HIS MOTHER RANI (1ST APPELLANT)
   S/O. AJJAN, VAKAKUNDAN HOUSE, P.O.NALLANTHANNY,
   MALAPPURAM DISTRICT

BY ADV. SRI.P.K.RAMKUMAR

RESPONDENTS: PETITIONER

1. RAJA RATHANA S/O. RAMASWAMY,
   NALLIPALAYAM P.O., THAMILNADU.

2. S.RASALIMKAM S/O. SUBRAMANIYAN,
   KOLAPPALLY P.O., TAMILNADU.

3. NEW INDIA ASSURANCE COMPANY LTD., NILGIRIS

4. SHAJAHAN V.K. S/O. BEERAN, RICHMAN ESTATE, NILGIRIS

5. MURUKAN, S/O. SAMUAL NADAR,
   SHANTHI BHAVAN, GUDALUR.

BY ADV. SRI.AJITH R. MENON
SRI.VPK.PANICKER
SMT. ANITHA R. MENON

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING: FOLLOWING:

P.R. Raman & S. Siri Jagan, JJ.

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M.A.C.A. No. 170 of 2003

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Dated this, the 12th February, 2007.

J U D G M E N T

Raman, J.

Claimant is the appellant. The challenge was against the judgment of the M.A.C.T., Manjeri dated 6-2-2003 passed in O.P(MV) No. 1275/2001.

2. We have perused the award passed. We find that the award is far from satisfactory. The Tribunal did not even enter any finding as to whether there was any negligence and if so, what is the compensation to be awarded under each heads. By a cryptic order, the Tribunal has awarded Rs. 1,50,000/- as compensation without any discussion or reference to the material produced in the case. When a claim petition is filed before the M.A.C.T., the Tribunal is expected to adjudicate on the claim based on the evidence adduced by the parties. In this case, as we have already observed, no attempt was made to refer to any piece of evidence.

In the result, we set aside the award and remand the case to the Tribunal for fresh consideration in accordance with law, and dispose of the same expeditiously as possible. Both sides will be given opportunity to adduce additional evidence. The parties shall appear before the Tribunal on 22-3-2007. The appeal is disposed of as above.

Sd/- P.R. Raman, Judge.

Sd/- S. Siri Jagan, Judge.

Tds/

[True copy]

P.S to Judge.

P.R. Raman & S. Siri Jagan, JJ.

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M.A.C.A. No. 170 of 2003

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J U D G M E N T

12th February, 2007.